



January 28, 2021

Ryan Howser  
El Paso County Development Services Department  
[DSDcomments@elpasoco.com](mailto:DSDcomments@elpasoco.com)

**RE:** Colvin Heritage Farms Minor Subdivision  
Part of the E ½ of the SE ¼ of the SE ¼, Section 15, T12S, R65W, 6<sup>th</sup> P.M.  
Upper Black Squirrel Creek Ground Water Management District  
Water Division 2, Water District 10

Dear Mr. Howser:

We have received your January 19, 2021 submittal concerning the above-referenced proposal to subdivide a 19.8-acre parcel of land into two lots.

#### **Water Supply Demand**

According to a report from Monson, Cummins & Shoheit, LLC dated December 8, 2020 (“Water Resources Report”) provided with the submittal, the estimated water requirements total 2.0 acre-feet annually (1.0 acre-feet/year per lot), for in house use, landscape/irrigation of lawn and gardens, watering of domestic animals and stock and limited pasture irrigation.

#### **Source of Water Supply**

The proposed source of water supply is individual on-lot wells producing from the non-tributary (actual replacement) Dawson aquifer pursuant to Replacement Plan No. 2 for Determination of Water Right No. 3655-BD.

Determination of Water Right no. 3655-BD was issued by the Ground Water Commission (“Commission”) on March 4, 2019 for an allowed average annual amount of withdrawal of ground water of 12.3 acre-feet from the Dawson Aquifer (based on an aquifer life of 100 years) to be used on 19.8 acres, which are the subject property of this referral.

On May 14, 2020 the Commission approved Replacement Plan No. 2 for Determination of Water Right no. 3655-BD. The Replacement Plan No. 2 for Determination of Water Right no. 3655-BD replaced, in its entirety, the Replacement Plan for Determination of Water Right no. 3655-BD dated March 4, 2019. The Replacement Plan No. 2 for Determination of Water Right no. 3655-BD allows for the withdrawal of 2.0 acre-feet per year of groundwater from the Dawson aquifer for 300 years, through two wells to be located on two residential lots on the 19.8 acres, which are the subject property of this referral. Each well may withdraw 1.0 acre-feet per year of groundwater to be used for in-house use, watering of domestic animal and livestock and landscape/irrigation of lawn, garden and pasture. These allowed uses are consistent with the proposed uses specified in the Water Supply Report. The Water Resources Report makes a note of an existing well under permit no. 84459-F and a permit to construct a well, permit no. 84460-F.

The proposed source of water for this development is a bedrock aquifer allocation from the Denver Basin. The State Engineer’s Office does not have evidence regarding the length of time for which the bedrock aquifer sources will be a physically and economically viable source of



water. According to 37-90-107(7)(a), C.R.S., “Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years.” Based on this allocation approach, the annual amounts of water determined in Determination of Water Right No. 3655-BD is equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

In the *El Paso County Land Development Code*, effective November 1986, Chapter 5, Section 49.5, (D), (2) states:

“- Finding of Sufficient Quantity - The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (300) years.”

The State Engineer’s Office does not have evidence regarding the length of time for which the bedrock aquifer sources will “meet the average annual demand of the proposed subdivision.” However, treating El Paso County’s requirement as an allocation approach based on three hundred years, the allowed average annual amount of withdrawal of 2.0 acre-feet per year from the Dawson aquifer (limited to 1 acre-foot per well) pursuant to the Replacement Plan No. 2 for Determination of Water Right no. 3655-BD for a maximum of 300 years, is sufficient to supply the requirement of 2.0 acre-feet/year.

The Water Resources Report submitted makes reference to other water rights, including those in the Denver, Arapahoe and Laramie-Fox Hills Aquifers under Determination of Water Right nos. 3654-BD, 3653-BD and 3652-BD, but those rights are not identified as a sources of water for the subdivision.

Well permit no. 84459-F was issued for the change of use of an existing well constructed under permit no. 310053-A (canceled), pursuant to the Replacement Plan No. 2 for Determination of Water Right no. 3655-BD for the withdrawal of 1 acre-feet/year of groundwater from the Dawson aquifer for use in 1 single family, domestic animal watering and the irrigation of up to 1 acre of lawns and gardens. Since the uses, annual amount of withdrawal and water source of permit no. 84459-F, are those proposed for the subdivision, permit no. 84459-F may be used within subdivision.

Well permit no. 84460-F was issued pursuant to the Replacement Plan No. 2 for Determination of Water Right no. 3655-BD for the withdrawal of 1 acre-feet/year of groundwater from the Dawson aquifer for use in 1 single family, domestic animal watering and the irrigation of up to 1 acre of lawns and gardens. This office has not received information that a well under permit no. 84460-F has been constructed. Well permit no. 84460-F will expire on June 29, 2021 unless this office receives information that the well was constructed and a pump was installed before the permit expired or the applicant applies for a one time one year expiration extension. Since the uses, annual amount of withdrawal and water source of permit no. 84460-F, are those proposed for the subdivision, should a well be constructed under permit no. 84460-F, the well may be used within subdivision.

### **State Engineer’s Office Opinion**

Based upon the above and pursuant to Sections 30-28-136(1)(h)(I), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to water rights.

Our opinion that the water supply is **adequate** is based on our determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.

Our opinion that the water supply can be **provided without causing injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory **allocation** approach, for the proposed uses on the subdivided land is greater than the annual amount of water required to supply existing water commitments and the demands of the proposed subdivision.

Our opinion is qualified by the following:

The Colorado Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced Determination of Water Right(s), pending actual geophysical data from the aquifer.

**The amounts of water in the Denver Basin aquifers, and identified in this letter, are calculated based on estimated current aquifer conditions. The source of water is from a non-renewable aquifer, the allocations of which are based on a 100 year aquifer life. The county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 300 years used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.**

If you, or the applicant, have any questions, please contact Ailis Thyne at 303-866-3581 ext. 8216.

Sincerely,



Joanna Williams, P.E.  
Water Resources Engineer

Ec: Upper Black Squirrel Creek GWMD  
Well permit nos. 84559-F and 84560-F  
SEO referral no. 27499

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